

THERESA TAYLOR,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 4:20-CV-00834
)	
DON WAGNER, et al.,)	
)	
Defendant.)	

COMES NOW Defendant Kansas City, Missouri, Board of Police Commissioners (“Defendant” or “BOPC”), by and through its members, Don Wagner, Mark Tolbert, Cathy Dean, Nathan Garrett and Quinton Lucas, and for its Answer to Plaintiff’s Complaint, states as follows:

2. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 2 of the Complaint, and therefore denies the allegations.

3. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 3 of the Complaint, and therefore denies the allegations.

4. The allegations contained in Paragraph 4 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 4 of the Complaint.

5. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 5 of the Complaint, and therefore denies the allegations.

6. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 6 of the Complaint, and therefore denies the allegations.

7. Defendant admits Plaintiff seeks certain injunctive relief, but denies there was any policy, custom or practice, and denies the remaining allegations contained in Paragraph 7 of the Complaint.

8. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 8 of the Complaint, and therefore denies the allegations.

9. Defendant admits the allegations contained in Paragraph 9 of the Complaint.

10. Defendant admits the allegations contained in Paragraph 10 of the Complaint.

11. Defendant admits the allegations contained in Paragraph 11 of the Complaint.

12. Defendant admits the allegations contained in Paragraph 12 of the Complaint.

13. Defendant admits the allegations contained in Paragraph 13 of the Complaint.

14. The allegations contained in Paragraph 14 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant admits that Plaintiff purports to bring a cause of action based on the First Amendment and the Fourteenth Amendment, but denies Plaintiff is entitled to such relief and denies the remaining allegations contained in Paragraph 14 of the Complaint.

15. The allegations contained in Paragraph 15 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 15 of the Complaint.

16. The allegations contained in Paragraph 16 of the Complaint call for a legal conclusion to which no response is required. To the extent a

response is deemed necessary, Defendant denies the allegations contained in Paragraph 16 of the Complaint.

17. The allegations contained in Paragraph 17 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 17 of the Complaint.

18. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 18 of the Complaint, and therefore denies the allegations.

19. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 19 of the Complaint, and therefore denies the allegations.

20. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 20 of the Complaint, and therefore denies the allegations.

21. Defendant states that the allegations contained in Paragraph 21 purport to refer to an Executive Order. The Order speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that Order. Defendant is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 21 of the Complaint, and therefore denies the allegations.

22. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 22 of the Complaint, and therefore denies the allegations.

23. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 23 of the Complaint, and therefore denies the allegations.

24. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 24 of the Complaint, and therefore denies the allegations.

25. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 25 of the Complaint, and therefore denies the allegations.

26. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 26 of the Complaint, and therefore denies the allegations.

27. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 27 of the Complaint, and therefore denies the allegations.

28. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 28 of the Complaint, and therefore denies the allegations.

29. The allegations contained in Paragraph 29 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 29 of the Complaint.

30. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 30 of the Complaint, and therefore denies the allegations.

31. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 31 of the Complaint, and therefore denies the allegations.

32. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 32 of the Complaint, and therefore denies the allegations.

33. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 33 of the Complaint, and therefore denies the allegations.

34. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 34 of the Complaint, and therefore denies the allegations.

35. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 35 of the Complaint, and therefore denies the allegations.

36. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 36 of the Complaint, and therefore denies the allegations.

37. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 37 of the Complaint, and therefore denies the allegations.

38. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 38 of the Complaint, and therefore denies the allegations.

39. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 39 of the Complaint, and therefore denies the allegations.

40. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 40 of the Complaint, and therefore denies the allegations.

41. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 41 of the Complaint, and therefore denies the allegations.

42. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 42 of the Complaint, and therefore denies the allegations.

43. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 43 of the Complaint, and therefore denies the allegations.

44. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 44 of the Complaint, and therefore denies the allegations.

45. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 45 of the Complaint, and therefore denies the allegations.

46. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 46 of the Complaint, and therefore denies the allegations.

47. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 47 of the Complaint, and therefore denies the allegations.

48. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 48 of the Complaint, and therefore denies the allegations.

49. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 49 of the Complaint, and therefore denies the allegations.

50. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 50 of the Complaint, and therefore denies the allegations.

51. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 51 of the Complaint, and therefore denies the allegations.

52. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 52 of the Complaint, and therefore denies the allegations.

53. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 53 of the Complaint, and therefore denies the allegations.

54. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 54 of the Complaint, and therefore denies the allegations.

55. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 55 of the Complaint, and therefore denies the allegations.

56. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 56 of the Complaint, and therefore denies the allegations.

57. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 57 of the Complaint, and therefore denies the allegations.

58. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 58 of the Complaint, and therefore denies the allegations.

59. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 59 of the Complaint, and therefore denies the allegations.

60. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 60 of the Complaint, and therefore denies the allegations.

61. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 61 of the Complaint, and therefore denies the allegations.

62. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 62 of the Complaint, and therefore denies the allegations.

63. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 63 of the Complaint, and therefore denies the allegations.

64. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 64 of the Complaint, and therefore denies the allegations.

65. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 65 of the Complaint, and therefore denies the allegations.

66. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 66 of the Complaint, and therefore denies the allegations.

67. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 67 of the Complaint, and therefore denies the allegations.

68. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 68 of the Complaint, and therefore denies the allegations.

69. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 69 of the Complaint, and therefore denies the allegations.

70. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 70 of the Complaint, and therefore denies the allegations.

71. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 71 of the Complaint, and therefore denies the allegations.

72. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 72 of the Complaint, and therefore denies the allegations.

73. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 73 of the Complaint, and therefore denies the allegations.

74. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 74 of the Complaint, and therefore denies the allegations.

75. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 75 of the Complaint, and therefore denies the allegations.

76. Defendant states that the allegations contained in Paragraph 76 purport to refer to a ticket. The ticket speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that ticket.

Defendant is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 76 of the Complaint, and therefore denies the allegations.

77. Defendant states that the allegations contained in Paragraph 77 purport to refer to a document. The document speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that document. Defendant is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 77 of the Complaint, and therefore denies the allegations.

78. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 78 of the Complaint, and therefore denies the allegations.

79. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 79 of the Complaint, and therefore denies the allegations.

80. Defendant denies there was a policy or custom. Defendant is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 80 of the Complaint, and therefore denies the allegations.

81. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 81 of the Complaint, and therefore denies the allegations.

82. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 82 of the Complaint, and therefore denies the allegations.

83. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 83 of the Complaint, and therefore denies the allegations.

84. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 84 of the Complaint, and therefore denies the allegations.

85. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 85 of the Complaint, and therefore denies the allegations.

86. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 86 of the Complaint, and therefore denies the allegations.

87. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 87 of the Complaint, and therefore denies the allegations.

88. The allegations contained in Paragraph 88 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 88 of the Complaint.

89. Defendant states that the allegations contained in Paragraph 89 purport to refer to an Ordinance. The Ordinance speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that Ordinance. Defendant is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 89 of the Complaint, and therefore denies the allegations.

90. Defendant states that the allegations contained in Paragraph 90 purport to refer to certain Ordinances. The Ordinances speak for themselves and Defendant denies the allegations to the extent that they are inconsistent with the Ordinances. Defendant is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 90 of the Complaint, and therefore denies the allegations.

91. Defendant states that the allegations contained in Paragraph 91 purport to refer to an Ordinance. The Ordinance speaks for itself and Defendant denies the allegations to the extent that they are inconsistent with that Ordinance. Defendant is without sufficient knowledge or information to

admit or deny the remaining allegations contained in Paragraph 91 of the Complaint, and therefore denies the allegations.

92. Defendant states that the allegations contained in Paragraph 92 purport to refer to certain Ordinances. The Ordinances speak for themselves and Defendant denies the allegations to the extent that they are inconsistent with the Ordinances. Defendant is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 92 of the Complaint, and therefore denies the allegations.

93. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 93 of the Complaint, and therefore denies the allegations.

94. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 94 of the Complaint, and therefore denies the allegations.

95. The allegations contained in Paragraph 95 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 95 of the Complaint.

96. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 96 of the Complaint, and therefore denies the allegations.

97. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 97 of the Complaint, and therefore denies the allegations.

98. Defendant incorporates by reference herein the responses contained in paragraphs 1-97 as if set forth fully herein.

99. The allegations contained in Paragraph 99 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 99 of the Complaint.

100. The allegations contained in Paragraph 100 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 100 of the Complaint.

101. The allegations contained in Paragraph 101 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 101 of the Complaint.

102. The allegations contained in Paragraph 102 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 102 of the Complaint.

103. The allegations contained in Paragraph 103 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 103 of the Complaint.

104. The allegations contained in Paragraph 104 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, defendant denies there was a custom or policy and denies the remaining allegations contained in Paragraph 104 of the Complaint.

105. Defendant denies the allegations contained in Paragraph 105 of the Complaint.

106. Defendant admits Plaintiff filed a complaint on June 8, 2020. Defendant is without sufficient knowledge or information to admit or deny the remaining allegations contained in Paragraph 106 of the Complaint, and therefore denies the allegations.

107. Defendant incorporates by reference herein the responses contained in paragraphs 1-106 as if set forth fully herein.

108. The allegations contained in Paragraph 108 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 108 of the Complaint.

109. The allegations contained in Paragraph 109 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary Defendant denies there was a custom and policy and denies the remaining allegations contained in Paragraph 109 of the Complaint.

110. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 110 of the Complaint, and therefore denies the allegations.

111. Defendant denies the allegations contained in Paragraph 111 of the Complaint.

112. The allegations contained in Paragraph 112 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 112 of the Complaint.

113. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 113 of the Complaint, and therefore denies the allegations.

114. Defendant is without sufficient knowledge or information to admit or deny the allegations contained in Paragraph 114 of the Complaint, and therefore denies the allegations.

115. The allegations contained in Paragraph 115 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 115 of the Complaint.

116. The allegations contained in Paragraph 116 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 116 of the Complaint.

117. The allegations contained in Paragraph 117 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 117 of the Complaint.

118. The allegations contained in Paragraph 118 of the Complaint call for a legal conclusion to which no response is required. To the extent a response is deemed necessary, Defendant denies the allegations contained in Paragraph 118 of the Complaint.

119. Defendant denies the allegations contained in Paragraph 119.

Plaintiff's WHEREFORE Paragraph following Paragraph 119 is a request for relief and no response is required. To the extent a response is deemed necessary, Defendant denies the allegations, including all subparts.

Defendant denies each and every allegation contained in the Complaint not specifically admitted herein.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted and therefore should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

SECOND AFFIRMATIVE DEFENSE

The Kansas City, Missouri, Board of Police Commissioners is immune from suit based on the doctrine of sovereign immunity.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's request for injunctive relief is barred by the doctrine of unclean hands.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's request for damages is barred by the Eleventh Amendment immunity.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred to the extent she failed to take reasonable care to avoid, minimize, or mitigate damages, if any.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint should be dismissed because there was no custom, policy or practice for her alleged "banishment orders."

SEVENTH AFFIRMATIVE DEFENSE

The Kansas City, Missouri, Board of Police Commissioners did not have actual or constructive knowledge of any claimed “banishment order” as alleged in Plaintiff’s Complaint.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff is unable to meet the legal requirements for the entry of declaratory and injunctive relief.

NINTH AFFIRMATIVE DEFENSE

To the extent Plaintiff requests monetary relief, Defendant is protected from liability and suit by Eleventh Amendment immunity.

TENTH AFFIRMATIVE DEFENSE

Defendant incorporates by reference each and every other affirmative defense that may be uncovered or made known during the investigation and discovery of this case. Defendant specifically reserves the right to amend this answer to include additional affirmative defenses after they are discovered.

Respectfully Submitted,

ERIC S. SCHMITT

Missouri Attorney General

/s/ Karen A. Read

Karen A. Read

Missouri Bar Number: 47855

Assistant Attorney General

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed on this 14th day of December, 2020, with the Clerk of the Court to be served upon all counsel of record using the Court's CM/ECF filing system.

/s/ Karen A. Read

Karen A. Read